UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 32

AMERICAN BAPTIST HOMES OF THE WEST d/b/a PIEDMONT GARDENS

and Case 32-CA-063475

THE SERVICE EMPLOYEES INTERNATIONAL UNION, UNITED HEALTHCARE WORKERS—WEST

COUNSEL FOR THE ACTING GENERAL COUNSEL'S LIMITED EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

On January 31, 2012, Administrative Law Judge Gerald M. Etchingham, herein called the Judge, issued his decision in the above-captioned case. In his decision, the Judge correctly concluded that American Baptist Homes of the West d/b/a Piedmont Gardens, herein called Respondent, violated Sections 8(a)(1) and (5) of the Act by unlawfully failing to provide the Service Employees International Union. United Healthcare Workers—West, herein called the Union, with the names and job titles of witnesses to an incident by which an employee was disciplined. Counsel for the Acting General Counsel's Exceptions are limited to the Judge's failure to find that Respondent unlawfully failed to provide the Union with requested witness statements in violation of Section 8(a)(1) and (5) of the Act.

Pursuant to the Board's Rules and Regulations, Series 8, as amended, Section 102.46(a), Counsel for the Acting General Counsel files the following limited exceptions to the Judge's decision:

No.	Page	Lines	Exception
1	16	18+	To the Judge's finding that Charge Nurse Lynda Hutton's written statement is confidential within the meaning of <i>Anheuser-Busch</i> , 237 NLRB 982 (1978).
2	16	26+	To the Judge's finding that the written witness statements are confidential under the blanket rule of <i>Anheuser-Busch</i> , 237 NLRB 982 (1978).
3	16	26+	To the Judge's failure to apply a balancing of interests approach under <i>Detroit Edison Co v. NLRB</i> , 440 U.S. 301 (1979), instead of applying <i>Anheuser-Busch</i> , 237 NLRB 982 (1978).

DATED AT Oakland, California this 11th day of May, 2012.

Respectfully submitted,

Noah J. Garber

Counsel for the Acting General Counsel

National Labor Relations Board

Region 32

1301 Clay Street, Room 300N

Oakland, CA 94612-5224

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AFFIDAVIT OF SERVICE OF COUNSEL FOR THE ACTING GENERAL COUNSEL'S LIMITED EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

I, the undersigned employee of the National Labor Relations Board, state under oath that on **May 11**, **2012**, I served the above-entitled document(s) *electronically* upon the following persons, addressed to them at the following addresses:

David S. Durham, Esq. Arnold & Porter LLP

7th Floor, Three Embarcadero Center

San Francisco, CA 94111-4024

VIA E-MAIL: david.durham@aporter.com

Gilbert J. Tsai, Esq.

Arnold & Porter LLP

7th Floor, Three Embarcadero Center

San Francisco, CA 94111-4024

VIA E-MAIL: gilbert.tsai@aporter.com

Manuel A. Boigues, Attorney

Weinberg, Roger, & Rosenfeld 1001 Marina Village Pkwy, Ste 200

Alameda, CA 94501-6430

VIA E-MAIL: mboigues@unioncounsel.net

Les Heltzer

Executive Secretary

1099 14th Street, N.W., Suite 11610

Washington, DC 20005

VIA E-FILE

May 11, 2012

Date

Frances Hayden, Designated Agent of NLRB

Name

ignature